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May 22, 2007

VIA HAND DELIVERY AND ECF

Honorable Lewis A. Kaplan
United States District Court Judge
United States Courthouse
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Genco, Inc. d/b/a Manitoba's v. City of New York, et al., No. 07 CV 3560
(LAK)

Your Honor:

This office represents defendants, the City of New York, Emily Lloyd in her official capacity as Commissioner of the New York City Department of Environmental Protection ("DEP") and as Chair of the New York City Environmental Control Board ("ECB"), DEP, and ECB in the above-referenced case. In accordance with this Court's Individual Rules, defendants hereby request an extension of time to answer or otherwise respond to the Complaint in the instant case.

The Summons and Complaint was served on May 4, 2007; and defendants' time to serve their answer to the complaint is now due on May 24, 2007. This is defendants' first request for an enlargement of time. Counsel for plaintiff has consented to said request and a stipulation is enclosed for your review and approval. Defendants require additional time to investigate plaintiff's allegations and determine whether to make a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and thus request an extension of time until June 22, 2007.

For the reasons set forth above, defendants respectfully request an enlargement of time to answer or otherwise respond to the complaint.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle Goldberg-Cahn".

Michelle Goldberg-Cahn (MG4490)
Assistant Corporation Counsel

Encl.

cc: Jason W. Sunshine, Esq., Counsel for Plaintiff (via facsimile)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GENCO IMPORTING INC., d/b/a MANITOBA'S,

Plaintiff,

- against -

CITY OF NEW YORK, EMILY LLOYD, in her
capacity as Commissioner of the New York City
Department of Environmental Protection and as
Chairman of the New York City Environmental
Control Board, NEW YORK CITY DEPARTMENT
OF ENVIRONMENTAL PROTECTION, NEW
YORK CITY ENVIRONMENTAL CONTROL
BOARD,

Defendants.

STIPULATION

07 CV 3560 (LAK)

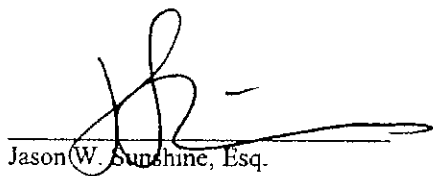
(ECF Case)

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IT IS HEREBY STIPULATED AND AGREED by the attorneys for the parties in the
above-captioned proceeding that the time within which defendants may serve their answer or otherwise
respond to the complaint is extended to June 22, 2007.

Dated: New York, New York
May 21, 2007

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By: 
Jason W. Sunshine, Esq.

By: 
Michelle Goldberg-Cahn
Assistant Corporation Counsel

SO-ORDERED:

Hon. Lewis A. Kaplan, United States District Judge